

tion of farm trailers and farm semi-trailers to include trailers and semi-trailers owned by cotton gins and grain elevators and used solely for supplying without charge, such trailers and semi-trailers to farmers to haul agricultural products from place of production to place of process, market or storage of such agricultural products; etc.; and declaring an emergency.

H. C. R. No. 16, Granting permission to Constantino Costella and Se-bena Costella to sue the State of Texas and the Texas Highway Department.

H. C. R. No. 41, Granting permission to Annie Mae Allen to sue the State of Texas and the Veterans Land Board.

H. C. R. No. 7, Granting permission to McNeil Griffin to sue the State of Texas and the State Highway Department.

H. C. R. No. 33, Granting permission to Frankie LeRoy Davis and Mary Jean Davis to sue the State of Texas and the Texas Highway Department.

Welcome Resolutions

S. R. No. 284, By Senator Secrest: Extending welcome to students and teacher of Moody Junior High School.

S. R. No. 285, By Senator Secrest: Extending welcome to Byron G. Skelton, National Democratic Committeeman from Texas.

S. R. No. 286, By Senator Schwartz: Extending welcome to students and sponsors of Island Elementary School.

S. R. No. 287, By Senator Gonzalez: Extending welcome to students of Civics Club and sponsors of Saint Phillips Parochial School.

S. R. No. 288, By Senator Herring: Extending welcome to students, teachers and sponsors of Oak Hill School of Travis County.

Adjournment

On motion of Senator Hardeman the Senate at 11:54 o'clock a.m. adjourned until 10:30 o'clock a.m. on Monday, April 10, 1961.

Record of Vote

Senator Krueger asked to be re-

corded as voting "Nay" on the motion to adjourn.

FORTY-NINTH DAY

(Monday, April 10, 1961)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation as follows:

"Holy Father, as the coming spring rouses Nature from winter sleep, even so may Thy Spirit revive us, giving us new hope, a livelier faith; and as the beautiful sunshine enfolds the earth, so may Thy love enfold us, drawing us closer to Thee. For Christ's sake. Amen."

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, April 6, 1961, was dispensed with and the Journal was approved.

Message from the House

Hall of the House of Representatives
Austin, Texas,
April 10, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 7, A bill to be entitled "An Act to define and regulate the

businesses of making loans of less than One Hundred Dollars (\$100) and One Hundred Dollars (\$100) to Three thousand Dollars (\$3,000) inclusive; prescribing the rates of charges therefor; regulating the purchase or assignment of compensation for services; repealing Chapter 472, Acts of the 52nd Legislature, Regular Session, 1951, and Chapter 17, Acts of the 40th Legislature, 1st Called Session, 1927, as last amended by Chapter 195, Acts of the 49th Legislature, Regular Session, 1945, and Subsections (5) and (6) of Article 19.01, Chapter 9, Title 122A Taxation—General; providing for severability; providing a savings clause; providing an effective date; and declaring an emergency."

Pursuant to the provisions of H. C. R. No. 70, the House is herewith returning the following H. B. 396 to the Senate for further consideration:

H. B. No. 396, Establishing a juvenile board in Morris County; prescribing the membership of the board and providing for the compensation of its members; providing who shall be the juvenile officer; providing compensation and expenses of the juvenile officer; and declaring an emergency.

The House has granted the request of the Senate for the appointment of a Conference Committee on Senate Bill No. 217. House has appointed the following Conference Committee: McIlhany, Chairman, Bartram, Cory, Dungan, Eckhardt.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Senate Bill 433 on First Reading

The following local bill was introduced, read first time and referred to the committee indicated:

By Senator Baker:

S. B. No. 433, A bill to be entitled "An Act creating a conservation and reclamation district under the provisions of Section 59, Article XVI, Constitution of Texas, to be known as 'Lomax Municipal District'; prescribing its rights, powers, privileges, and duties; providing the District shall bear the sole expense of the relocation of certain facilities under the provisions of this Act; providing for its governing body; providing for a confirmation election; containing oth-

er provisions relating to the subject; providing a severability clause; and declaring an emergency."

To the Committee on Water and Conservation.

Senate Bill 434 on First Reading

Senator Moffett moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—31

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Moffett:

S. B. No. 434, A bill to be entitled "An Act authorizing Midwestern University at Wichita Falls, Texas, and its Board of Regents to issue revenue bonds and notes pursuant to Chapter 368, Acts 1955, 54th Legislature, Regular Session, as amended (Vernon's Article 2909c, as amended) and also authorizing the collection and pledge of revenues and use fees to the payment of bonds and notes at said institution; providing certain limitations; and declaring an emergency."

To the Committee on Education.

Senate Bill 435 on First Reading

Senator Willis moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—31

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Willis:

S. B. No. 435, A bill to be entitled "An Act to validate annexation proceedings of Home Rule cities where such annexation took place prior to the 1st day of March, 1961, and validating all proceedings and contracts and the exercise of dominion and governmental functions over such annexed territory; and declaring an emergency."

To the Committee on State Affairs.

Bills and Resolution Signed

The President signed in the presence of the Senate after the captions had been read, the following enrolled bills and resolution:

S. B. No. 313, A bill to be entitled "An Act providing for construction of additional floors for the State Insurance Building and the second State Office Building; completion of State Archives and Library Building; granting authority for the limited use and improvements on Capitol grounds to provide passageways and walks to new buildings; authorizing the Building Commission to rent unused properties; and declaring an emergency."

S. B. No. 122, A bill to be entitled, "An Act relating to operation of certain City Water Boards, after a city has annexed all the territory of certain Water Control and Improvement Districts; amending Chapter 161, Acts of the 55th Legislature, Regular Session, 1957, by adding a new section, Section 2b, thereto; and declaring an emergency."

H. C. R. No. 70, Instructing the Chief Clerk of the House to return H. B. No. 396 to the Senate for further consideration.

Senate Concurrent Resolution 44

Senator Weinert offered the following resolution:

S. C. R. No. 44, Recalling H. B. No. 77 from the House to the Senate for further consideration.

Whereas, H. B. 77 has passed the Senate and is now in the House; and

Whereas, It is necessary to make certain corrections in H. B. 77; now, therefore, be it

Resolved, by the Senate, the House of Representatives concurring, That the House be and is hereby requested to return H. B. 77 to the Senate for further consideration.

The resolution was read.

On motion of Senator Weinert and by unanimous consent the resolution was considered immediately and was adopted.

Suspension of Senate Rule 60 on House Bill 77

Senator Weinert moved to suspend that portion of Senate Rule 60 that pertains to the number of days in which the motion to reconsider a vote may be taken so that the Senate may reconsider H. B. No. 77.

The motion prevailed by the following vote:

Yeas—31

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	

Senate Concurrent Resolution 45

Senator Herring offered the following resolution:

S. C. R. No. 45, Extending invitation to the Vice President of the United States, the Honorable Lyndon B. Johnson and Chancellor of the Federal Republic of Germany, the Honorable Konrad Adenauer to address a joint session of the Texas Legislature Monday, April 17, 1961.

Whereas, On April 16 and 17, 1961, The State of Texas will be host to His Excellency the Chancellor of the Federal Republic of Germany, the Honorable Konrad Adenauer on the occasion of his visit to the home of the Vice President of the United States, the Honorable Lyndon B. Johnson; and

Whereas, The Vice President of the United States, the Honorable Lyndon B. Johnson with his guest, Chancellor Konrad Adenauer will arrive by helicopter from the "LBJ" Ranch and land in the vicinity of the Municipal Auditorium on the banks of the Colorado River in Austin, Texas, at approximately 11:15 A.M., Monday, April 17, 1961; and

Whereas, The Vice President of the United States, the Honorable Lyndon B. Johnson and Chancellor Konrad Adenauer of the Federal Republic of Germany will from this point proceed by parade up Congress Avenue to the State Capitol of Texas; and

Whereas, All the people of Texas, and especially the people of Central Texas and Austin enthusiastically welcome this distinguished world statesman to our State and to the Capital City of Texas; and

Whereas, This visit by so distinguished a world statesman is commensurate with a States visit, all State employees shall be accorded the privilege of attending the ceremonies in connection with said visit, including the parade; and

Whereas, Following the parade up Congress Avenue to the State Capitol, the Vice President of the United States, the Honorable Lyndon B. Johnson, and Chancellor Konrad Adenauer of the Federal Republic of Germany are hereby invited to appear before a joint session of the Texas House of Representatives and the Senate of the State of Texas at high noon on Monday, April 17, 1961, assembled in the House of Representatives, and on this occasion to make such remarks as they so desire; and

Whereas, The appearance of the Vice President of the United States,

the Honorable Lyndon B. Johnson and Chancellor Konrad Adenauer of the Federal Republic of Germany is of world-wide significance and importance and such will be covered by the press, radio and television, including the Voice of America sent to all corners of the world, that the facilities of the House of Representatives of the State of Texas be made available to those covering this momentous occasion at said joint session; now, therefore, be it

Resolved, That the Senate of the State of Texas, the House of Representatives concurring, In due recognition of the visit of the Vice President of the United States, the Honorable Lyndon B. Johnson and Chancellor Konrad Adenauer of the Federal Republic of Germany to Texas and the Capitol City of Austin, meet in joint session at twelve noon on Monday, April 17, 1961, in the House of Representatives for the purpose of hearing the Vice President of the United States, the Honorable Lyndon B. Johnson and Chancellor Konrad Adenauer of the Federal Republic of Germany.

HERRING
KRUEGER

The resolution was read.

On motion of Senator Herring and by unanimous consent the resolution was considered immediately and was adopted.

Senate Concurrent Resolution 46

Senator Moffett offered the following resolution:

S. C. R. No. 46, Congratulating and commending ex-students of Agricultural and Mechanical College on Muster Day.

Whereas, The Agricultural and Mechanical College of Texas opened its doors to students in the Fall of 1876; and

Whereas, It will soon complete its 85th year as the state's oldest state supported institution of higher learning; and

Whereas, Its graduates and ex-students have attained enviable distinction in the occupations of their choice, not only in Texas, but in widely separated places in America and also in foreign lands; and

Whereas, This college is said to have provided more officers in the U.

S. military forces in both World Wars I and II than any other military school in our country; and

Whereas, The Agricultural and Mechanical College of Texas now provides both undergraduate and graduate training not only in the fields and occupations it was originally planned to fill, but also provides training in the Arts and Sciences and other general fields of education; and

Whereas, On April 21, 1903, the students of A. and M. College spontaneously initiated the custom of holding a Muster Day. This custom has been followed by the ex-students of this college for fifty-seven years, and the 21st day of April of each year has been observed as a day for the holding of a Muster Day meeting of ex-students of this college. Among the purposes of these gatherings is the recalling of incidents of college days and also the observance of suitable recognition of the memory of those graduates and ex-students who have departed this life in the preceding twelve months; and

Whereas, It is believed that the number of Muster Day meetings held by ex-students of Texas A. and M. College in various places in America and throughout the world exceeds the number of meetings held by groups of ex-students from any other college in America for a similar purpose; now, therefore, be it

Resolved, That the Texas Senate, the House of Representatives concurring, does hereby congratulate the ex-students of Texas A. and M. College upon their many achievements and their commendable custom of holding a Muster Day on the 21st day of April of each year since 1903, and hopes that this desirable custom will continue in the years to come; and be it further

Resolved, That a copy of this resolution be sent to the Chancellor of the A. and M. College and to the President of the Ex-Students Association of that college.

MOFFETT
BAKER
COLSON
ROBERTS
ROGERS

The resolution was read.

On motion of Senator Moffett and by unanimous consent the resolution

was considered immediately and was adopted.

Report of Standing Committee

Senator Krueger by unanimous consent submitted the following report:

Austin, Texas,
April 10, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred S. B. No. 431, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KRUEGER, Chairman.

Committee to Select Poet Laureate of State

The President announced the following as a committee pursuant to the provisions of H. C. R. No. 12 to select a Poet Laureate of the State of Texas on the part of the Senate:

Senators Fuller and Parkhouse.

Senate Bill 431 Ordered Not Printed

On motion of Senator Rogers and by unanimous consent S. B. No. 431 was ordered not printed.

Senate Concurrent Resolution 47 on First Reading

Senator Lane moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a resolution, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—31

Aikin	Krueger
Baker	Lane
Calhoun	Martin
Colson	Moffett
Creighton	Moore
Crump	Owen
Dies	Parkhouse
Fuller	Patman
Gonzalez	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Schwartz
Kazen	Secrest

Smith
Weinert

Willis

The following resolution was then introduced, read first time and referred to the committee indicated:

S. C. R. 47, Granting Condon-Cunningham, Inc., permission to sue the State of Texas.

Whereas, Condon-Cunningham, Inc., is a Nebraska corporation doing business in the State of Texas in accordance with the laws of the State of Texas; and

Whereas, Said Condon-Cunningham, Inc., entered into a contract with the State of Texas for the construction of certain highway improvements in Wichita County, Texas, same being Project Nos. F119 (11) and V119 (12) on U. S. Highway 287, which said contract was signed by the State Highway Engineer, approved by the State Highway Commission of the State and signed by Condon-Cunningham, Inc., as contracting party, in accordance with the laws of the State of Texas; and

Whereas, In the course of compliance with the terms of said contract, said Condon-Cunningham, Inc., has sustained damages resulting from various causes including, but not limited to, violations of the terms of said contract by agents and officials of the State Highway Department, failure of the State Highway Department to enter into a supplemental agreement as provided for by the terms of said contract, misrepresentation by the agents and officials of the State Highway Department relative to the work to be done and the conditions under which it was to be accomplished, the necessity of redesigning plans for the construction and improvements which were the subject of said contract, failure of the agents and officials of the State Highway Department to follow the established course of conduct of contracting parties in situations comparable with those which have arisen in connection with the said contract relating to Project Nos. F119 (11) and V119 (12); and said Condon-Cunningham, Inc., desires to sue the State of Texas and the State Highway Department of the State of Texas for the damages resulting therefrom; now, therefore, be it

Resolved, by the Senate of the State of Texas and the House of Representatives concurring, That Condon-Cun-

ningham, Inc., be, and it is hereby granted permission to bring suit against the State of Texas in any court of competent jurisdiction in Travis County, Texas, to recover judgment against the State of Texas and the State Highway Department of the State of Texas for all damages which it may have sustained as the result of breach of contract by or any other actions or omissions of the State Highway Department or any of its officers, agents or employees; and service of citation for the purposes herein granted may be served upon the State of Texas by serving the Attorney General and the Chairman of the State Highway Commission of the State of Texas; and be it further

Resolved, That such suit may be filed within two (2) years from the execution date of this resolution; and be it further

Resolved, That the sole purpose of this resolution is to grant permission to the aforesaid Condon-Cunningham, Inc., to bring suit against the State of Texas and/or the State Highway Department, and no admission of liability of the State or of any fact is made in any way by the passage of this resolution, and it is specifically provided that the facts upon which said Condon-Cunningham, Inc., seeks to recover must be proved in court as in other civil cases.

The resolution was read and was referred to the Committee on Jurisprudence.

Senate Bill 80 on Second Reading

The President laid before the Senate as unfinished business S. B. No. 80 with an amendment by Senator Krueger and a motion to table the amendment by Senator Creighton pending. (The bill having been read the second time on Tuesday, April 4, 1961.)

Question—Shall the amendment by Senator Krueger to S. B. No. 80 be tabled?

(Pending discussion of the amendment by Senator Krueger, Senator Aikin occupied the Chair.)

(President in the Chair.)

Question on the motion to table. Yeas and Nays were demanded.

The motion to table prevailed by the following vote:

Yeas—23

Aikin	Lane
Calhoun	Moffett
Colson	Moore
Creighton	Owen
Crump	Parkhouse
Dies	Reagan
Fuller	Roberts
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Weinert
Kazen	

Nays—6

Baker	Patman
Krueger	Ratliff
Martin	Willis

Present—Not Voting

Gonzalez

Absent

Smith

Senator Krueger offered the following amendment to the bill:

Amend Senate Bill No. 80 by striking out all of Subsection C of Section 1 and in lieu thereof substituting the following:

"C. No portion of any Incentive Aid Payments shall be expended in payment of interest or retirement of principal of any antecedent funded indebtedness of any school district which has been consolidated. Incentive Aid Payments shall be applied to the cost of buildings constructed subsequent to the reorganization of the district. Any unexpended Incentive Aid Payments remaining after economical implementation of such funds shall be returned for use of the Foundation School Fund."

The amendment was read.

On motion of Senator Creighton the amendment was tabled by the following vote:

Yeas—24

Aikin	Herring
Calhoun	Hudson
Colson	Kazen
Creighton	Lane
Crump	Martin
Dies	Moffett
Fuller	Owen
Hardeman	Parkhouse
Hazlewood	Ratliff

Reagan	Secrest
Roberts	Smith
Rogers	Weinert

Nays—6

Baker	Patman
Krueger	Schwartz
Moore	Willis

Present—Not Voting

Gonzalez

Senator Krueger offered the following amendment to the bill:

Amend S. B. 80 as printed, line 42, page 1, by striking the figures "1,000" and substituting in lieu thereof the figures "500."

The amendment was read.

On motion of Senator Creighton the amendment was tabled.

Senator Parkhouse offered the following amendment to the bill:

Amend S. B. 80, page 1, line 59, of the printed bill, by changing the "period" to a "semicolon" and adding the following "provided, however, The Texas Education Agency may stop such incentive aid should such consolidated district lower its valuations or should such district lower its tax rate below \$1.50."

The amendment was read.

On motion of Senator Creighton the amendment was tabled by the following vote:

Yeas—15

Mr. President	Lane
Aikin	Owen
Colson	Reagan
Creighton	Rogers
Crump	Schwartz
Dies	Secrest
Hardeman	Smith
Kazen	

Nays—14

Baker	Moffett
Calhoun	Moore
Fuller	Parkhouse
Herring	Patman
Hudson	Ratliff
Krueger	Roberts
Martin	Willis

Absent

Gonzalez	Weinert
Hazlewood	

The President announced that he voted "Yea."

The bill as amended was passed to engrossment.

Record of Vote

Senator Krueger asked to be recorded as voting "Nay" on the passage of S. B. No. 80 to engrossment.

Senate Bill 80 on Third Reading

Senator Creighton moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 80 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Hardeman	Roberts
Herring	Rogers
Hudson	Schwartz
Kazen	Secrest
Lane	Smith
Martin	Willis

Nays—2

Baker	Krueger
-------	---------

Absent

Gonzalez	Weinert
Hazlewood	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Votes

Senators Krueger and Baker asked to be recorded as voting "Nay" on the final passage of S. B. No. 80.

Senate Bill 349 on Second Reading

Senator Martin asked unanimous consent to suspend the regular order of business and take up S. B. No. 349 for consideration at this time.

There was objection.

Senator Martin then moved to suspend the regular order of business and take up S. B. No. 349 for consideration at this time.

The motion prevailed by the following vote:

Yeas—27

Aikin	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Hardeman	Roberts
Herring	Rogers
Hudson	Schwartz
Kazen	Secrest
Krueger	Smith
Lane	Willis
Martin	

Nays—1

Baker

Absent

Gonzalez	Weinert
Hazlewood	

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 349, A bill to be entitled "An Act amending Chapter 156, Acts of the Fortieth Legislature, Regular Session, 1927, as amended, (codified as Article 200a, V.T.C.S.) by adding a section designated as Sec. 2a, providing for the calling of annual and other meetings of the Presiding Judges of the Administrative Judicial Districts by the Chief Justice of the Supreme Court of Texas; and providing for their expenses; outlining the purposes and objectives of such meetings; providing for the designation and assignment of district judges for service in other administrative Judicial Districts by the Chief Justice under certain conditions; providing for additional compensation for district judges holding court outside of their counties and districts by assignment under this Act; providing a severability clause; providing a repealing clause; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 349 on Third Reading

Senator Martin moved that the

Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 349 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Hardeman	Roberts
Herring	Rogers
Hudson	Schwartz
Kazen	Secrest
Krueger	Smith
Lane	Willis
Martin	

Nays—1

Baker

Absent

Gonzalez	Weinert
Hazlewood	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Report of Standing Committee

Senator Calhoun by unanimous consent submitted the following report:

Austin, Texas,
April 10, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Departments and Institutions, to whom was referred S. B. No. 97, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

CALHOUN, Chairman.

Senate Concurrent Resolution 48

Senator Schwartz offered the following resolution:

S. C. R. No. 48, Recalling S. C. R. 26 from the Governor's office for correction.

Whereas, On April 5, 1961, S. C. R. No. 26 was delivered to the Governor's office after final passage; and

Whereas, S. C. R. 26 needs to be returned to the Senate for correction, to-wit: Substitute the words "Department of Health, Education and Welfare" for the words "General Services Administration" wherever they appear, and to correct the language "without cost" to read "as provided for under the public benefit discount of one hundred percent (100%) under provisions of Public Law 152, 81st Congress"; now, therefore, be it

Resolved, That when S. C. R. No. 26 is returned, the action of the President and the Speaker of the House in signing said Resolution be declared null and void; and that the presiding officers erase their names from the enrolled Resolution.

The resolution was read.

On motion of Senator Schwartz and by unanimous consent the resolution was considered immediately and was adopted.

House Bill on First Reading

The following bill received from the House was read first time and referred to the committee indicated:

H. B. No. 7, To the Committee on State Affairs.

**Special Notice on
Senate Joint Resolution 5**

Senator Dies gave notice that he would on tomorrow move to suspend the rules to consider S. J. R. No. 5.

Welcome Resolutions

S. R. No. 291—By Senator Dies: Extending welcome to W. E. Cook, F. A. Shinalt and Emerson Stone, Jr.

S. R. No. 292—By Senator Herring: Extending welcome to students and teacher of Brykerwood School of Austin.

S. R. No. 293—By Senator Colson: Extending welcome to Frank E. White of Cleveland.

S. R. No. 294—By Senator Herring: Extending welcome to students and teacher of Wooten Elementary School of Austin.

Memorial Resolutions

S. R. No. 289—By Senator Herring: Memorial resolution for Reynolds K. Lowry.

S. R. No. 290—By Senator Hardeman: Memorial resolution for Miss Ethel Foster.

Notice for Local and Uncontested Bill Session

On motion of Senator Hardeman and by unanimous consent, the Senate agreed to hold a session for the consideration of a Local and Uncontested Bills Calendar on Tuesday, April 11, 1961, at 9:00 o'clock a.m.

Recess

On motion of Senator Rogers the Senate at 12:15 o'clock p.m. took Recess until 9:00 o'clock a.m. tomorrow.

FORTY-NINTH DAY

(Continued)

(Tuesday, April 11, 1961)

After Recess

The Senate met at 9:00 o'clock a.m., and was called to order by the President.

Leave of Absence

Senator Martin was granted leave of absence for today on account of important business on motion of Senator Moffett.

Committee on Nominations

On motion of Senator Dies and by unanimous consent the Committee on Nominations was granted permission to meet while the Senate was in session.

Message from the House

Hall of the House of Representatives
Austin, Texas,
April 11, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 46, Relating to Muster Day, April 21st of each year, at Texas A. & M. College.

S. C. R. No. 45, Extending invitations to the Vice President of the United States, the Honorable Lyndon B. Johnson and Chancellor of the Federal Republic of Germany, the Honorable Konrad Adenauer to address a joint session of the Texas Legislature Monday, April 17, 1961.

S. C. R. No. 44, Requesting the House to return H. B. 77 to the Senate for further consideration.

H. C. R. No. 74, Extending congratulations to Chill Wills on being nominated by the Motion Picture Academy of Arts and Sciences for the Academy Award.

H. C. R. No. 75, Requesting the Senate to return House Joint Resolution No. 2 to the House for further consideration.

H. B. No. 417, To reorganize the Thirty-second and the One Hundred Fourth Judicial Districts by removing Fisher County from the One Hundred Fourth Judicial District and adding Fisher County to the Thirty-second Judicial District and making certain other provisions relating thereto; and declaring an emergency.

H. B. No. 507, Relating to manufacture and sale of bedding; amending Section 6 of Senate Bill No. 200, General Laws of the Forty-sixth Legislature, Regular Session, page 376, which pertains to the permits for manufacturing and selling bedding; enforcement provisions; repealing all laws in conflict with the Act; providing a saving clause; and declaring an emergency.

H. B. No. 670, Specifically providing any husband and his wife with the power of creating out of their community property, joint estates, real, personal, or mixed, with rights of survivorship; and declaring an emergency.

H. B. No. 645, A bill to be entitled "An Act relating to the change in name of the North Texas State Teachers College to North Texas State College; amending Chapter 258, Acts of the Fifty-first Legislature, 1949, so as to change the name of North Texas State College to 'University of North Texas'; ratifying and confirming in behalf of 'The University of North Texas' all legislative acts and appropriations heretofore passed in behalf of North Texas State Teachers